FOR MYSORE STATE

LAW (1954) Department

Passed & Supd.

MB SERIES.

G.O. NO. 260

Dated 9-10-1954

[Despatch Abstract.]

Legal Assistance -- O.S.No: 372 of 1954 on the file of the court of the Dt. Munsiff Udupi, S. Kamala Alienation of date of birth in the S.S.L.C. Regr. of Hari Bhat - I P.U. Mad. the State Rajas represented by the Collector of Defendant Expense - Sanct

Rc.419.E2/54.

Office of the
DIRECTOR OF PUBLIC INSTRUCTI
Madras. Dated 4.9.1954.

From

13 73/54
12/9/54

The Director of Public Instructio

M A D R A S.

To

The Secretary to Government,
Law Department,
Fort St. George,
Madras-9.

Sir,

LEGAL ASSISTANCE - O.S.No.372 of 1954 on the file of the District Munsif Court - Udipi - Alteration of date of birth in the S.S.L.C. of Sri U.Haridas.Bhat.

One Sri U. Haridas Bhat has instituted a case, O.S.No.372 of 1954 on the file of the District Munsif Court, Udipi, for direction to the Respondent (Director of Public Instruction) to alter the date of birth in his S.S.L.Certificate from 8.11.1930 to 9.1.1932. The case is posted for hearing on 27.11.1954.

2. Government may be pleased to issue necessary instructions to the Government Pleader, Udipi for defending the Respondent (Director of Public Instruction) and also sanction the defence at State Cost.

3. The original plaint and notice served on me is enclosed.

Yours faithfully,

DIRECTOR OF PUBLIC INSTRUCTION. 10 9 54

Copy to.
The Government Pleader, Udipi.
Copy forwarded to the Collector of South Kanara for favour of information.

Venk.7/9.

9/819

IN THE COURT OF THE DISTRICT MUNSIF OF UDIPI.

Original Suit No.378/1954,

tween:-

U. Haridas Bhat, aged 22 years. ...Plaintiff,

and

1. Director of Public Instructi... Madras.
2. The State of Madras, represented in this suit by The Collector of South Kanara, Mangalor

) Defendants

20 AUG 1954 Head Clerk

Plaint under Section 26, Order VII and Rule 1 of C.P.C.

The plaintiff above-named begs to state as follows:-

1. The plaintiff, the son of Ramachandra Bhatta, i s a Hi Shivalli Brahmin, Lecturer in Physics, N.S.S. College, ow residing at Pandalam (T.C.State). Post:- Pandalam.
All proc plaintiff may be served to the above address.

2. The 1st defendant is the Director of Public - Instruction with his Office at Madras; and the 2nd defenda is the State of Madras and is represented in this suit by The Collector of South Kanara having his Office at Mangalore, South Kanara.

Subject matter of the suit:-

3. ...d plaintiff, the only son of his parents Ramachand Bhatta and his wife Kamalavi, was born on 9-1-1932 in - Majur village, Udipi Taluk. He is also a permanent resido

or Enjur village, Udipi Taluk.

4. The plaintiff passed his S.S.L.Certificate examination from the S.V.H.School, Immanje. The date of birth of the plaintiff has been inaccurately shown as 8-11-1930 in his S.S.L.Certificate No. [illegible] 69734 H; this inaccuracy arose out of the illiteracy and ignorance of the plaintiff's mother when the date of birth was given as 8-1-1930 to the School authorities at the time of his admission to the school. As a matter of fact, it can be seen from the relevant extract (filed herewith) of the birth-register that the date of the plaintiff's birth is 8-1-1932.

5. When the plaintiff discovered the mistake, he petitioned to the 1st defendant on 4-2-1952 requesting that the error be corrected, enclosing with his petition a certificate from the Stationary Sub Magistrate, Udipi, to the effect that the entry in the birth-register relating to the plaintiff showed 8-11-1930 as the date of his birth. The 1st defendant returned the petition with an endorsement dated 1-2-52 to the effect that the correction requested for could be done only upon a declaration regarding the correct date of birth from a competent Civil Court. To a further enquiry by the plaintiff on 13-2-52, the plaintiff was advised by the 1st defendant, under his proceedings dated 25-7-1952 to file a civil suit after giving the requisite notice under section 80 of the Code of Civil Procedure.

6. Accordingly the plaintiff sent a notice to be issued to the defendant under section 80 of the Code of

Civil Procedure intimating that a civil suit would be filed to have the correct date of his birth declared. The said notice was received by the defendants 1 and 2 on 3-2-54 and ~~22~~ 2-2-54 respectively.

7. The plaintiff is greatly prejudiced in immumerable ways by the continued retention of the inaccurate date of birth in the S.S.L. certificate and other records and is constrained to have his correct date of birth declared by a Civil Court. Hence this suit for a declaration that the correct date of the plaintiff's birth is 9-1-1932 and not 8-11-1930.

8. The cause of action for this suit arose on 11-2-1952 when the 1st defendant declined to get the inaccurate entry corrected and also on 25-11-1946 when the plaintiff's date of birth was inaccurately entered in the S.S.L.Certificate Book at Innanje village, Udipi Taluk, within the jurisdictio of this Court.

9. The plaintiff's values the reliefs claimed in this suit at Rs. 101-0-0 both for purposes of jurisdiction and a fixed Court-fee of Rs. 15-0-0 is paid under Article 17~~B~~ of the Court Fees Act.

10. The plaintiff, therefore, prays for judgment and decree for the following reliefs:-

(a) declaring that the date of birth as given in the S.S.L.certificate book and other connected registers and records i.e., 8-11-1930 is incorrect and that the correct date of birth of the plaintiff is 9-1-1932 and that the latter date should be adopted for all purposes. This relief is valued at Rs. 101/- and a fixed court-fee of Rs. 15-0-0 is paid under Article 17~~B~~ of Schedule II of the Court Fees Act.	Rs. 101-0-0

6

(b) directing the defendants to pay plaintiff the costs of this suit and granting plaintiff such other reliefs as he may be found entitled to under the circumstances of this case.) Rs. 0- 0- 0

Total Rs. 101--0--0

Counsel for Plaintiff.

I, the plaintiff above-named do hereby declare that what is stated above is true to the best of my knowledge and information.

Camp: Pandalam,
Dated: 12-8-1954.

Documents relied upon by plaintiff.

1. Certified copy of the Birth register of the Majur village, for the year 1932.

2. Certificate issued by the Stationary Sub Magistrate. ... ... 29-12-51.

3. Petition addressed to the 1st defendant by the plaintiff with orders thereon . ... 4-2-1952.

4. Proceedings of the 1st defendant. ... 25-7-1953.

5. Copy of the Lawyer's notice sent to the defendants on bahalf of plaintiff. 1-2-1954.

6. Postal acknowledgment No. 787. ... 3-2-1954.

7. do.....do .....No. 786. ... 2-2-1954.

8. Secondary School Leaving Certificate [illegible] 577/54.
(Original).

Counsel for Plaintiff.

O.S. 372
1152
Pandalam
Lawyer's Report
28.8.54

RC 419 E 2/54

3233

No. 1.

7 7 5 9 2

on form of summons for—
(1) Settlement of issues.
(2) Ascertaining whether a suit is contested or not and, if not contested, for immediate disposal.
(3) Final disposal.

(Form No. 19, Appendix III-A in Part II, C.R.P. and C.Os., Vol. II, 1928 Edition.)

[O. 5, rr. 1 & 5.]

IN THE COURT OF the District Munsif of Madras

1954

O.S. No. 372 of 1954

K. Haridas Bhai — Plaintiff

versus

Director of Public Instruction and another — Defendants.

To The 1st deft:- Director of Public Instruction, Madras.

WHEREAS plaintiff has instituted a suit against you for plaint mentioned reliefs

you are hereby summoned to appear in this Court in person or by a pleader duly instructed and able to answer all material questions relating to the suit (or who shall be accompanied by some person able to answer all such questions) on the 27th day of November 1954 at 10 o'clock in the noon,

(1) to answer the claim and you are directed to produce on that day all the documents upon which you intend to rely in support of your defence,

(2) to state whether you contest or do not contest the claim and if you contest to receive directions of Court as to the date on which you have to file the written statement, the date of trial and other matters; take notice that in the event of the claim not being contested the suit shall be decided at once,

(3) to answer the claim and as the day fixed for your appearance is appointed for the final disposal of the suit you must be prepared to produce on that day all the witnesses upon whose evidence and all the documents upon which you intend to rely in support of your defence.

Also take notice that in default of your filing an address for service before the day before mentioned you are liable to have your defence struck out.

Take notice that in default of your appearance on the day (and hour) before mentioned, the suit will be heard and determined in your absence.

Given under my hand and the seal of the Court this 27th day of August 1954

B. G. Shivaraya
Judge, City Civil Court

NOTICE.—(1) Should you apprehend your witnesses will not attend of their own accord, you can have a summons from this Court to compel the attendance of any witness and the production of any document that you have a right to call on the witness to produce, on applying to the Court and on depositing the necessary expenses.

(2) If you admit the claim, you should pay the money into Court together with the costs of the suit, to avoid execution of the decree, which may be against your person or property or both.

Law Department.

G.O.Ms.No. 260 dated 9.10.1954

Legal assistance - O.S.No.372 of 1954 on the file of the Court of the District Munsif, Udipi, South Kanara district - Alteration of date of birth in the S.S.L.C. Register of ~~Sxkx~~ Haridas Bhat Sri U. - D.P.I. Madras and the State of Madras represented by the Collector of South Kanara - Defendants - Defence - Sanctioned.

Read:

Letter from the D.P.I. Madras, Rc.419E2/54- dated 4-9-54.

ORDER

Govt. sanction the defence ~~xxxxxxxxxx~~ of the State of Madras represented by the Collector of South Kanara, Mangalore, second defendant, in O.S. No.372 of 1954 on the file of the Court of the District Munsif, ~~Xxxx~~ Udipi.

2. Govt. also sanction the defence, at State cost, of the D.P.I., Madras, first defendant, in the suit mentioned above. This sanction is subject to cancellation or revision after the conclusion of the proceedings.

3. The Pleader doing Government work at Udipi is requested to appear on behalf of both the defendants in the suit mentioned in paragraph 1 above. He is also requested to prepare a draft written statement on the lines indicated in paragraph 4 below and send it to Government for approval.

4. The plaintiff had his eligibility declared long ago and it was in connection with that and for that purpose only the D.P.I., Madras, the first defendant, was concerned with the ~~applicant's~~ plaintiff's age. After the ~~applicant's~~ plaintiff's eligibility was declared, the said defendant has nothing to do with the plaintiff's age. The D.P.I. is not interested in affirming or denying the plaintiff's allegations or in instituting an enquiry to ascertain whether those allegations are true. He has neither the duty nor the right to enquire into and alter the plaintiff's date of birth and so the said defendant cannot be called upon to do an act which is neither by law incumbent on him as D.P.I. nor which he is in any way concerned wit

as such officer. It is an abuse of the process of court for a plaintiff to implead as defendant a person to whom it is a matter of utter unconcern whether the relief would be granted or not. The suit is misconceived and is not maintainable.

22/9/54

22.9.54

22 9 54

15 pd

14/10/54

To the D.P.I. Madras.
Copy to theCollector, South Kanara.
Copy to the Pleader doing Govt. workat Udipi, South Kanara, thro' Collector South Kanara.

Copy to the A.G. thro' Fin.
" " HELA
" " Home.

Abstract

[illegible] Act [illegible] 1954 on the file of the Court of the District [illegible], [illegible] District – [illegible] of [illegible] Director of Public Instruction, Madras [illegible] Madras – [illegible] – defence – sanctioned.

- -

[illegible]

G.O. [illegible] No. 360 [illegible] 1954.

[illegible]

[illegible] from the Director of Public Instruction, Madras [illegible] 12/54 dated [illegible]/7/54.

Orders

[illegible] the defence of [illegible] of Madras represented by the Collector of [illegible], second defendant, in [illegible] 272 of 1954 on the file of the [illegible] of the District [illegible].

2. [illegible] the Director of Public Instruction, Madras, first defendant, [illegible] of retention after [illegible] the proceedings.

3. [illegible] both the defendants [illegible] is also requested to [illegible] draft [illegible] below and send it to Government for approval.

[illegible] plaintiff [illegible] eligibility declared long ago and [illegible] for that [illegible] only the Director of Public Instruction, Madras, the first defendant, was concerned with the plaintiff's age. After the plaintiff's eligibility was declared, the said defendant has nothing to do with the plaintiff's age. The Director of Public Instruction is not [illegible] the plaintiff's [illegible] or in [illegible], or trying to ascertain whether [illegible] time. [illegible] the duty nor the right to enquire into [illegible] the plaintiff's date of birth [illegible] the said defendant [illegible] which is neither by law [illegible] Director of Public Instruction [illegible] he is [illegible] concerned with [illegible] officers. It is an abuse of the process of [illegible] plaintiff to [illegible] defendant a person to [illegible] relief would [illegible] not maintainable.

/By Order of the Government/

[illegible],
Deputy Secretary to Government.

To the Director of Public Instruction, Madras.
[illegible] to the [illegible]
[illegible] Government [illegible], South [illegible] through Collector, [illegible].
" to the Accountant-General, through Finance.
" to [illegible]
[illegible]

[illegible]

[illegible] PAS

RT.12/70.

13

From

A. L. Narayana Rao, B.A.BL.,
Advocate, Udipi.

To

The Secretary to Government,
Law Department,
Fort St. George, Madras 9.

Ref. O.S.No. 372/1954 on the file of the District Munsif of Udipi - and your office Ref. G.O.Ms. No. 260 dated 9-10-1954.

I have enclosed herewith the draft of the written statement to be filed on behalf of the 1st Defendant (The Director of Public Instruction, Madras). After approval, please get the same signed by the Director of Public Instruction and send it on to me for being filed into Court as early as possible.

Udipi, South Kanara.)
)
Dated. 8-12-1954. -)

Yours faithfully.

Pleader for Govt
Udipi

153

In the Court of the District Munsif of Udipi.

C.S.No. 372/1954.

Between

U. Haridas Bhat. - - - - - - - - - - - - Plaintiff.

a n d

Director of Public Instruction, Madras) Defendants.
and another. - - - - - - - - - - - - - - -)

(2. The State of Mysore represented by the Collector of S Canara)

Written Statement of the 1st Defendant Director of Public Instruction, Madras, under Or. VIII, R. 1 of the C.P.C.

The abovenamed 1st Defendant begs to state as follows:-

1. That this Defendant does not admit the allegations in paras 3 and 4 of the plaint and puts Plaintiff to strict proof of the same.

2. That with reference to the allegations made in paras 5 and 6 of the plaint, this Defendant submits that the Plaintiff had his eligibility in the S. S. L. C. Examination declared long ago and it was in connection with that and for that purpose only, this Defendant was concerned with the Plaintiff's age. After the Plaintiff's eligibility was declared, this Defendant had nothing to do with the Plaintiff's age. This Defendant is not interested in affirming or denying the Plaintiff's allegations or in instituting an enquiry to ascertain whether those allegations are true. This Defendant has neither the duty nor the right to enquire into and alter the Plaintiff's date of birth and so, this Defendant cannot be called upon to do an act which is neither by law incumbent on this Defendant as Director of Public Instruction nor which this Defendant is in any way concerned with as such Officer. It is an abuse of the process of Court for a Plaintiff to implead as Defendant a person to whom it is a matter of utter unconcern, whether the relief would be granted or not.

3. That this Defendant is not interested in or concerned with the allegations made in para 7 of the plaint. The Plaintiff has no cause of action against the Defendants. The suit as against the Defendants is clearly misconceived and is not maintainable.

4/

4. [illegible]nt in any view of the [illegible] declaration prayed for is granted or not, the [illegible] impleaded and called upon either to [illegible] claim without having interest or [illegible] for the costs of this suit. On the other hand, [illegible] their costs as they are in no way [illegible] or the facts that gave rise to the [illegible]

5. This Defendant therefore [illegible] dismissed with costs.

Dated. - 12-1954.

I, ~~the above-named~~ [illegible], [illegible] the facts stated above are true to [illegible] belief.

Dated. -12- 1954.)
)
Camp:-)

17 - 5

Law Dept.

Memo No. 19307/54-2 dated 3.1.55

Sub: Legal Assistance - OS No. 372 of 1954 on the file of the Court of the Dt. Munsif, Vellore - Alteration of date of birth in the S.S.L.C. Register of Harijan Bhakt (Sri) U - /DPO, Madras and the State of Madras - Defendants - Defence - Draft written statement - Approved - Govt. Memo No. 260, Law, dt. 9.10.54 - Letter from the Pleader doing Govt. work at Vellore dt. 8.12.54

Ref
dtd

A copy of the letter cited together with a copy of the draft written statement as approved by Govt. to be filed in OS No. 372 of 1954 on the file of the Court of the Dt. Munsif, Vellore is forwarded to the DPO. The DPO is requested to sign the written statement and send the same to the Pleader doing Govt. work at Vellore and report the matter to this Dept.

Law 30.12.54. 30/12/54

To
The DPO, Madras
(Writ Road.)

PAS 28/12/54
for 30/12/54.

CENTRAL DESPATCH BRANCH
(Law)
Despatched by Regd. Post/Messenger
Date 4.1.1955. Despatcher's Initials

19

POST COPY OF THE TEMEPHONIC MESSAGE, DATED 8TH JANUARY 1955.
T.M.No.419 E 2/54.

From
The Director of Public Instruction,
Madras.

To
The Deputy Secretary to Government,
Law Department.

SUB:- Legal Assistance - OS No.372/54 on the file of the Court of District Munsiff, Udipi - Alteration of date of birth of Haridas Bhat (Sri) V.

REF:- Government Memorandum No.19301/54-2 dated 3-1-1955.

The Director of Public Instruction is away at New Delhi and will be returning to Madras only on 17-1-1955. Kindly let me know urgently whether the written statement can be signed by any other officer in this office. If the case has not already been heard, the Pleader doing government work will be requested to take a long adjournment

8.1.55

FOR DIRECTOR OF PUBLIC INSTRUCTION.

Copy to the Pleader doing government work, Udipi for information and necessary action with reference to the concluding portion of the T.M. (Copy enclosed).

SJ/8/1.

21

EXPRESS DELIVERY:

PROCEEDINGS OF THE DIRECTOR OF PUBLIC INSTRUCTION, M A D R A S.
R.C.No.419-E2/54. Dated:8--1--1955.

SUB: LEGAL ASSISTANCE - O.S.No.372-54 on the file of the District Munsiff Court, Udipi - Alteration of date of birth of Haridass Bhat U.

RD: Government Memorandum No.19301/54-2 dated 3--1--55.

Ref: G.O.Ms.260 Law dated 9/10/54.
Letter from the Pleader doing Government work at Udipi dated 8/12/54.

A copy of the letter second cited together with a copy of the draft written statement as approved by Government to be filed in O.S.No.372 of 1954 on the file of the Court of the District Munsif, Udipi, is forwarded to the Director of Public Instruction. The Director of Public Instruction is requested to sign the written statement and send the same to the pleader doing government work at Udipi and report the matter to this department.

K.S.Palanisamy,
Deputy Secretary to Government.

Copy of letter No Nil dated 8/12/54 from the Advocate, Udipi to the Secretary to Government Law Department, Madras.

REF: O.S.No.372/1954 on the file of the Dist. Munsif of Udipi, and your Office Ref. G.O.Ms.No.260 d/9/10/54.

I have enclosed herewith the draft of the written statement to be filed on behalf of the 1st Defendant (The Director of Public Instruction, Madras) after approval, please get the same signed by the Director of Public Instruction and send it on to me for being filed into Court as early as possible.

Sd. A.L. Narayana Rao,
Advocate, Udipi.

/True copy/

Copy communicated.

2. At the Director of Public Instruction is not at headquatters now, the District Educational Officer is requested to file the written statement-copy enclosed-in the Court of District Munsif Court, Udipi through the Pleader doing Government work, Udipi. If the hearing of the case is adjourned to a later date and if it is necessary for the Director to file a fresh written statement signed by himself, it will be done.

Sd/ Srikrishnaswamy
8.1.55

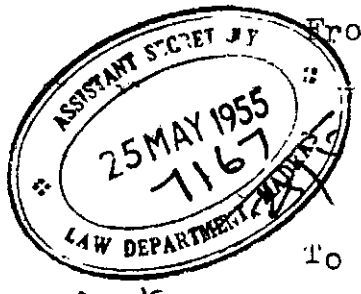
for Director of Public Instruction.

To
The District Educational Officer, South Kanara.
Copy to the Pleader doing Government Work, Udipi.
Copy to Secretary to Government, Law Department in continuation of the Telephonic Message No.419 E2/54 dated 8-1-1955.

Nam.8/1.

ASSISTANT SECRETARY 10 JAN 1955 LAW DEPARTMENT, MADRAS

Ref:A3.Spl.C.B. 24/54. S.K.Collector's Office, Mangalore.
Dated 20-5-55.



Leg. Asst.

From

Sri M.G.Raja Ram,I.A.S.,
Collector of South Kanara,
Mangalore.

To

The Deputy Secretary to Government,
(Law Department).
Fort St.George, Madras-9.

S i r,

SUITS- O.S. No.372/54. on the file of the Court of the District Munsiff Udipi(South Kanara Dt). alteration of date of birth in the S.S.L.C.- Register of Haridas Bhat(Sri) U. - result of intimated.--

Ref:G.O.Memo 260 dated 9--10--1954.--

The suit has been dismissed with costs on 26-4-55. Certified copies of the decree and judgement have been applied for.

Yours faithfully,

23-5-55.
For Collector,

Copy to the Director of Public Instruction, Madras.

nja.23.5.

R. issue. 10/11/57

25 B

Law Dept

Memo No: 7167/55-1 dt. 6.7.55

Sub:- Legal Assistance - O.S. No: 372/54 on the file of the Court of the Dt: Munsif, Kundapur (S. Kanara dt.) - Suit - dismissed - Costs - recovery of.

Ref:-

Letter from the Collector of S. Kanara, Mangalore ~~Ref~~ No: A3.Spl. C.B. 24/54 dt. 20.5.55

The attention of the Collector of S. Kanara, Mangalore, is invited to the reference cited and he is requested to state whether certified copies of the decree and judgment have been obtained and whether any steps have been taken to recover the costs awarded in the suit.

8.7.55

6.7.55

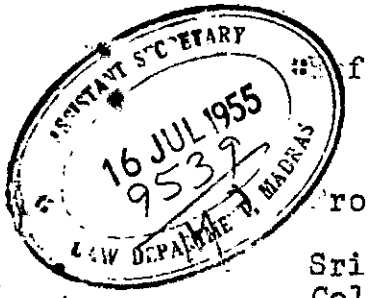
6.7.55

The Collector of S. Kanara
Mangalore

Copy

D. P. I. Madras

27



Legal

Ref.A2. Spl. C.P. 24/54

South Kanara Collector's office,
Mangalore dt. 13.7.1955

...

From

Sri M.G. Raja Ram, I.A.S.,
Collector of South Kanara.

To

The Secretary to Government,
Law Department, Fort St. George,
MADRAS 9

Sir,

STPS - O.S.No. 372/54 on the file of the Dt. Munsif Udipi (South Kanara) District - Alteration of date of birth in the S.S.L.C. Register of Varidas Bhat (Sri) U - Dismissed with costs - Recovery of costs - Report.

Ref: Govt. Memo No.7167/55-1 dated 6.7.1955

***

The certified copies of the decree and judgment have not been received. The Pleader for Government, Udipi has been reminded to send them to me urgently. Steps will be taken to recover the costs immediately on receipt of the certified copies.

Yours faithfully,

13.7.55
for Collector.

14.7.

Ref.A3.Spl.C.P.24/54.

S.Kanara Collectorate office,
Mangalore dated 24.7.55.

From

Sri M.G.RAJA RAM,I.A.S.
Collector of South Kanara.

To

The Secretary to the
Government,
Law Department,
Fort St.George, Madras 9.

Sir,

SUBJECT--C.S.No.372/54 on the file of the District Munsif Udipi (South Kanara district)-Alteration of date of birth in the S.S.I.C Register of Parides Bhat (Sri) M--Dismissed with costs.

Ref: Government Memo No.7167/55-1 dated 6.7.55.

I submit herewith copies of the decree and judgment in the above suit.

2. The plaintiff concerned in this case is a Lecturer in Physics, M.S.S.College residing at Pandalam in T.C.State I am taking steps to recover the costs awarded in the suit from the plaintiff through the Collector of the concerned district. The Tahsildar, Udipi is also being asked to take necessary steps in the matter.

Yours faithfully,

for Collector.

IC/25.7.55.

IN THE COURT OF THE DISTRICT MUNSIF OF UDIPI S.L.A.484

Tuesday the 26th day of April 1955

Present: Sri I.F.Rego, B.A.,L.L.,B.

District Munsif.

Original Suit No.372 of 1954.

31

V.Varidas Bhat son of Ramachandra Bhatta
Lecturer in Physics, M.S.S.College, now residing at Pandalam (T.C.State) Post Pandalam.) Plaintiff

against

1.The Director of Public Instruction, Madras)
2.The state of Madras represented by the Collector of South Kanara, Mangalore.) Defendants

Suit is for (1) a declaration that the date of birth of the plaintiff as given in the S.S.L.Certificate Book and other connected registers and records i.e.8.11.1930 is incorrect and that the correct date of birth of the plaintiff is 9.1.1932 as seen from the relevant extract from the Birth register, and that the latter date of birth should be adopted for all purposes, and (2) directing the defendant to pay plaintiff the costs of suit.

Cause of action arose on 11.2.1952 when the 1st defendant declined to get the inaccurate entry corrected and also on 25.11.1948 when the plaintiff's date of birth was inaccurately entered in the S.S.L.Certificate book at Immanje and Majur villages, within the jurisdiction of this court.

Value of the relief claimed is fixed at Rs.101/- for purposes of jurisdiction.

Plaint presented on 20.8.1954 and re-presented on 24.8.1954.

DECREE: This suit coming on the 18th and 21st days of April 1955 for final disposal before me, in the presence of Sri T. Vasudeva Rao, Advocate for the plaintiff and of Sri P.Padmanabha Rao, for Sri A.Lakshminarayana Rao, Advocate and Government Pleader, for the defendants and having stood over for consideration till this day, this court doth order and decree that this suit be, and the same hereby is dismissed, and that the plaintiff do pay defendants 25/- on account of their costs of suit, together with interest thereon at the rate of 6% per cent per annum from this date till payment.

COSTS OF SUIT.	Plaintiff's	Defendants'
1.Stamp for plaint	Rs.15-0-0	Rs.0-0-0
2. do Vakalatnama	1-0-0	0-0-0
3. do petition	0-12-0	0-0-0
4. do Exhibits	0-0-0	0-0-0

32

5. Service of process

6. Subsistence allowance

7. Pleader's fees

8. P.W. Fees and other costs

Given under my hand

of April 1955.

Note: The parties

return of all exhibits

records will be liable

days from this date

under the rules for this

33

IN THE COURT OF THE DISTRICT MUNSIF OF UDIPI SOUTH KANARA

PRESENT: SRI P.F. RAGO, B.A.,LL.,B.,
District Munsif

Tuesday, the 18th day of April 1955

...

Original suit No.372 of 1954.

Between: -

U. Haridasa Bhat . . . Plaintiff

and

1. The Director of Public Instruction, Madras. . . . Defendants

2. The State of Madras, represented by the Collector of South Kanara, Mangelore . . .

...

This suit coming on for final hearing on the 18th and 21st days of April 1955, in the presence of Sri B. Vasudeva Rao, Advocate for the plaintiff, and of Sri P. Padmanabha Rao, for Sri A. Lakshminarayana Rao, Advocate and Government Pleader, for the defendants, and having stood over for consideration till this day, the Court delivered the following JUDGMENT.

Suit for a declaration that the date of birth of the plaintiff as given in the S.S.L.Certificate book and the other connected registers and records as 8.11.1930 is incorrect, that the correct date is 9.1.1932 and that the latter date should be adopted for all purposes

2. The averments in the plaint are as follows. The plaintiff was born on 9.1.1932 as seen from the relevant extract from the Birth Register. But the date of birth been x inaccurately shown as 8.11.1930 in his S.S.L.Certificate No. 69734-H. This inaccuracy rose out of the illiteracy and ignorance of the plaintiff's mother who gave the plaintiff's date of birth as 8.11.1930 at the time of admission to the school. When the plaintiff discovered the mistake, he petitioned to the Ist defendant on 4.2.1952 requesting that the error be corrected and and enclosed with his petition a certificate from the Stationary Sub Magistrate, Udipi, to the effect that the entry in the Birth Register relating to the Plaintiff shows 9.1.1932 as the date of his birth. The 1st defendant returned the petition with an endorsement, dt. 11.2.1952 to the effect that the correction requested for could be done only upon a declaration regarding the correct date of birth from a competent Civil Court To a further enquiry by the Plaintiff on 18.6.1953, he was advised by the 1st defendant under his proceedings, dt. 25.7.1953, to file a Civil suit for the required relief, after issuing notice under section 80 of the Civil Procedure code. Accordingly, the plaintiff issued a notice under Section 80

Accordingly, the plaintiff issued a notice under Sec[illegible] C.P.C. to the defendants intimating that a civil suit would be filed to have the correct date of his birth declared. The said notice was received by the defendants on [illegible] and 2.2.54 respectively. The plaintiff is put to great prejudiced by the continued retention of the incorrect date of birth in the S.S.L. Certificate and other records. He is constrained to file this suit the cause of action for which arose on 11.2.1952 when the 1st defendant refused to get the inaccurate entry corrected and also on 20.11.1940 when the plaintiffs date of birth was inaccurately entered in the Certificate book in the S.V.H. High School, Iravanji[illegible] Taluk, and also at Majur village of the said taluk where the plaintiff was born.

3. The Ist defendant in his written statement, dated 10.1.1953, contends as follows: This defendant does not admit the allegations in paragraphs3 and 4 of the plaint, namely, that the plaintiffis the only son of his parents, that he was born on 9.1.1932 in Majur village, that the date of his birth was inaccurately shown as 8.11.1930 in the S.S.L.C. Register and that the inaccuracy arose out of illiteracy and ignorance of his mother. He puts the plaintiff to strict proof of the above xp allegations. This defendant further submits that the plaintiff had his eligibility in the S.S.L.C. [illegible] declared long ago and it was in connection with that [illegible] purpose only this defendant was concerned with the plaintiff's age. This defendant is not interested in affirming or denying the plaintiff's allegations. This defendant has no duty nor the right to enquire into whether the plaintiff's date of birth and hence he cannot be called upon to do so. There is neither incumbent upon him nor did which he is in any way concerned. The Plaintiff has no cause of action against the defendants, and the suit is against the defendants is clearly misconceived and is not maintainable. In the event of result of the suit, the defendants are entitled to [illegible] of suit, as they are in no way responsible for the plaintiff's

take or the facts that give rise to the alleged cause of action. This defendant, therefore, prays that the plaintiff's suit may be dismissed with costs.

4. The 2nd defendant has filed a memo on 31.1.1955 adopting the written statement of the ist defendant.

5. The following issues were framed in the suit.

I. Whether the mistake as to the date of birth alleged is true?

II. Whether the plaintiff has any cause of action against the defendants?

III Whether the plaintiff is entitled to the declaration prayed?

IV. What is the proper order as to costs?

ADDITIONAL ISSUE:

V. Whether the suit as framed is maintainable?

6. Issue I: The only oral evidence adduced in this suit is that of the plaintiff as P.W.1. The Plaintiff claims to be 23 years old. Pro, 23.8.1954 he has been in Government service as Demonstrator in Physics in the Government College, Mercara. His grievance is that his date of birth is incorrectly shown in his S.S.L.Certificate No.69734-H. Exhibit A2 is the S.S.L.C. certificate Book. His actual date of birth is 9.1.1932 as seen from Exhibit A1, which is the relevant extract from the Register of births relating to Majur village of Udipi taluk. Exhibit A1 shows that on 9.1.1932 a male child by name Haridasa, was born in Majur village in the house of Uliyar Gururaja Bhatta, and that the parents of the child were Ramachandra Bhatta and Kamalakshi. The fact of birth was intimated to the authorities on the very date of the birth, The evidence of P.W.I. shows that his father's name is Ramachandra Bhatta and his mother's name is Kamalakshi and that he was born in the house of his maternal grandfather Uliyar Gururaja Bhatta in Manjur village, Udipi taluk, and that according to the usage in his community, the eldest son is named after the paternal grant father. P.W.1. 1 swears that he is the eldest son and hence his name was given to the recording authorities even while reporting his date of birth. Apart from Exhibit A1 and the evidence of P.W.1, there is no other evidence on this point. The evidence of P.W.1 read in the light of the entries in Exhibit A1, makes it clear that the Plaintiff was born on 9.1.1932 in Majur village, as sworn to by him and as seen from Exhibit A1. I, therefore, find issue I for the Plaintiff.

7. [illegible]

detect [illegible]

of that [illegible] read [illegible]

[illegible]

petition [illegible] to the 1st Cofe [illegible]

praying that necessary [illegible]

in [illegible]

a certificate, [illegible]

stating [illegible] registrate, [illegible]

of birth [illegible] plaintiff [illegible]

[illegible] to [illegible]

dated 11. 11[illegible], [illegible]

[illegible] petition is [illegible]

of [illegible] to

[illegible]

[illegible]

at [illegible] only [illegible]

Court

[illegible]

[illegible], c[illegible] accord[illegible]

[illegible]

[illegible] plaintiff [illegible]

in [illegible] from the 1st Co[illegible]

[illegible] plaintiff [illegible]

in that [illegible]

[illegible]

defendant [illegible]

[illegible], i [illegible]

[illegible] 7 [illegible]

[illegible]

[illegible]

[illegible]

in [illegible]

[illegible] on [illegible]

[illegible] file [illegible]

[illegible]

[illegible]

examination or for appointment to a post, is interpreted as a legal character to which the plaintiff is entitled, the question immediately arises for consideration as to whether the defendants have denied such a legal character of the plaintiff, or are interested in denying it. The evidence of P.W.1. does not disclose what he ever attempted to appear for any examinationlike the I.A.S.Examination, or that he sought appointment to Government Service or other service and that as a result of the wrong entry of his date of birth in Exhibit A2, he was prevented from appearing for the examination orgetting appointed to the Service. It cannot, therefore be said that the defendants have denied or are interested in denying the aforesaid legal character of the plaintiff. On the other hand, the evidence of P.W.1. amply proves that neither of the defendants is responsible for the wrong entry of his date of birth in Exhibit A2; that the 1st defendant has nothing to do with Exhibit A2 once it is issued, that the defendants have neither the power nor obligation to make any correction in Exhibit A2 and that no objection was taken in regard to his age when he was appointed as Demonstrator inPhysics in the Government College,Mercara. Even in regard to the cause of action for the suit, two distinct dates are shown in para 8 of the plaint. One One of those dates is 11-2-1952 when the 1st defendant declined to get the inaccurate entry correct, and the other date is 25-11-46 - it ought to be 15-12-46 when the plaintiff's date of birth was inaccurately entered in Exhibit A2 by the Head Master of the S.V.H.High School, Innanje. If the plaintiff relies on the 1st defendant's refusal on 11-2-52 to get the inaccurate entry corrected, the pregent suit has not been filed by the plaintiff for the relief of getting the wrong entry corrected, but for a mere declaration that entry is wrong. Further, the evidence of P.W.1. shows that neither the 1st defendant nor the 2nd defendant is responsible for the wrong entry. If the plaintiff's suit is not for getting the wrong entry correct, but is only

for a declaration that the entry is wrong, and if, as the evidence of P.W.1 shows, the defendants are not responsible for the wrong entry, I fail to see how the plaintiff can have a cuase of action against the defendants in this suit. It is argued for the plaintiff that though no relief is prayed for as against the defendants, who, according to him, are formal defendants, the relief is prayed for to be granted in the presence of the defendants. If the defendants are for the real defendants the question arises as to who are the real defendants to the suit? And if, admittedly defendants 1 and 2 are formal defendants, the real defendants should have been impleaded in the suit. On the plaintiff's own showing, he has no cause of action as against defendants 1 and 2 in this suit.

9. In regard to the other date viz. 25-11-46 or 15-12-46 as it ought to be- when the plaintiff's date of birth was inaccurately entered in Exhibit A2 by the Head Master of S.V.H.High School, Innanje, the Plaintiff's remedy certainly is to have the wrong entry correct after filing a suit for the purpose. Section 31 of the Indian Specific Relief Act provides that when through fraud or a mutual mistake of the parties, a contract or other instrument in writing does not truly express their intention, either party, or his representative in interest, may institute a suit to have the instrument rectified. The evidence of P.W.1 shows that his mother, when she admitted him to the Higher Ele. School shortly after his father's death. was physically ill and mentally in grief and consequently she gave a wrong date of birth to the School authorities, and the evidence also show that he was admitted to school at the age of four, though one has to complete five years of age before admission, and it also shows that his date of birth in Exhibit A2 was copied from the earlier School records i.e. from the School Leaving Certificate which he, while still a minor accompanied by his guardian , obtained from the Higher Ele. School authorities and produced at the S.V.H. High School at Innanje, which is

still running. If the plaintiff was a minor and in no way responsible for the mistake committed by his mother or by his guardian giving the wrong date to the School authorities, then it is for the plaintiff to take steps to have the relevant record corrected by filing a suit for the purpose. The defendants are admittedly not the real defendants in a suit brought for correcting the mistake in the records. The Plaintiff's suit brought for a mere declaration without a consequential relief of getting the wrong entry corrected, as was originally requested by him of the 1st defendant in his petition Exhibit A3 would not, therefore, be maintainable; and the more, so, because the plaintiff should have filed a suit for the rectification of the relevant document under section 31 of the Specific Relief Act by impleading the necessary parties, and not rest content with a suit for a mere declaration by impleading defendants 1 and 2, who admittedly, have nothing to do with the alleged mistake. For all the foregoing reasons, I find on issue II that the plaintiff has no cause of action against the defendants, and on issue III that the plaintiff is not entitled to the declaration prayed for, and on issue V that the suit as framed is not maintable.

10. Issue IV:- Since the plaintiff fails in this suit, he has certainly, to pay the costs of the defendants. Even if he were to succeed in the suit, the question would arise as to whether the plaintiff should pay the costs of defendants, who admittedly are formal parties to the suit and are not responsible for the mistake in regard to the plaintiff's date of birth in Exhibit A2. Hence even if the plaintiff were to succeed in the suit, the plaintiff would be bound to pay the costs of the defendants. In this view of the case, I find that the defendants are entitled to their costs.

11. In the result, the plaintiff fails and the

suit is, therefore, dismissed with costs of the defendants. Pleader's fee one set.

Dictated to the Steno Typist, the Transcript revised and pronounced in open Court, this 26th Day of April, 1955.

S.D.F.F. Rego
Dt. Munsiff.

Intd. I.V.R.Steno Typist

PLAINTIFF'S EXHIBITS

A1 Certified extract from the Birth Register of Major Village, relating to the birth of the plaintiff.

A2 Secondary School Leaving Certificate No.69734 H issued to the plaintiff

A3 4-2-52 Petition submitted by the Plaintiff to the 1st defendant.

A4 4-2-52 Endorsement of return on Exhibit A3.

A5 29-12-51 Certificate issued by the Stationary Sub Magistrate, Udipi.

A6 25-9-53 Proceedings of the 1st defendant L.Dis.No.1740 2.53, communicated to the plaintiff.

A7. 1-2-54 Copy of lawyer's notice issued on behalf of the plaintiff to the defendants.

A8. 3-2-54 Postal Acknowledge of the 1st defendant.

A9. 2-2-54 do do of the 2nd Defendant.

Defendant's Exhibits.

NIL

Plaintiff's Witness.

U.Haridas Bhat (Plaintiff).

Defendants' Witness.

None.

Sd. P.F.Rego
District Munsif,

(True copy)

27-5-55

Ref.A3.Spl.C.B.24/54.

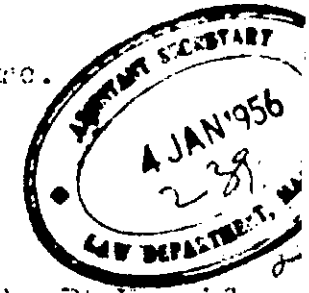
S.K.Collector's Office,
Mangalore, dated 30.12.

From

Sri MG.Raja Ram, I.A.S.,
Collector of South Kanara, Mangalore.

To

The Secretary to Government,
Law Department, Fort St.Madras-9.



Sir,

SUITS - OS.No.372/54 on the file of the Dt.Munsif -Udipi -(South Kanara District) Alteration of date of birth in the S.S.L.C.Register of Haridas Bhat(Sri dismissed with costs- recovery of costs- reports.

-:o:-

Ref: Govt.Memo.No.7167/55-1 dated 6.7.55. -

-:o:-

The Court cost of Rs.25/- awarded to Government in t above suit was collected from the Plaintiff and remitted to the Sub Treasury at Udipi under chalan No.478 dated 10.9.55.

Please see the letter above — Law Dept
No action is called for. May be added to Go. at (F)
KV/31.12.

Yours faithfully,

12.55
For Collector.

Law Dept.

Sub: Legal Assistance – O.S. No. 372 of 1954 on the file of the Court of the Dt. Munsif, Ndipi, South Kanara – Alteration of date of birth in the S.S.L.C. Register of Sri N. Haridas Bhat – D.P.I. Madras and the State of Madras represented by the Collector of S. Kanara – Defendants Defence – Sanction of.

CNo. 13973/54

Ref: Letter from the D.P.I, Madras Re 419 E2/54 dt. 4.9.1954

Pl cf

Please see the letter from the DPI on Pl cf. The DPI has forwarded the original Plaint and notice served on him with reference to OS No. 372 of 1954 on the file of the Court of the Dt. Munsif, Ndipi. The suit has been filed by Sri N. Haridas Bhat for alteration of his date of birth in his S.S.L.C. Register, from 8.11.1930 to 9.1.1932. The suit is posted for hearing on 27.11.1954. The DPI has requested that the defence of the defendants in the suit viz the DPI and the State of Madras represented by the Collector of S. Kanara may be sanctioned and necessary instructions

Dfts 3-6 cf
Pl 7 cf

cf para 10 on pps 5-6 cf

cf A on pl 11 cf
Pl cf

may be issued to the Govt. Pleader Nedumangad for defending the suit.

This Dept. is now of the view that proceedings for alteration of date of birth should be opposed. The main ground of opposition is that the DPI has no jurisdiction to alter a candidate's date of birth after he passes his S.S.L.C. But the High Court in a batch of O.P.s for alterations of date of birth recently held that such proceedings are maintainable against the DPI. This Dept. has, therefore, in consultation with the Asst. G.P and the A.G. proposed to file an appeal against the said order of the High Court. The last day for filing the appeal is 30.9.1954.
The relevant file has been sent to other Depts for acceptance of part order.

The suit in question is posted for hearing on 27.11.1954. The decision in the appeal proposed to be filed would by that time be known. It seems, therefore, desirable to await the decision in the proposed appeal before issuing instructions to the G.P., Nedumangad, for defending the suit. The defence of the suit may also be sanctioned at that time. The file may, therefore, be sent

Not at all likely. [illegible] 27/9/54

Action should be taken in this case subject to the result of the decision in appeal. [illegible] 27/9/54

E 5

till the proposed appeal is disposed of by the High Court or till 10.11.1954 whichever is earlier. The DPO may also be informed accordingly. The draft memo below PAS 20/9/54 is for approval.

SO 21.9.54

Pl. see my remarks written in margin on the fore page.

24.9.54

With reference to the orders of D.S. at A on page 2 ante, the following note is submitted:--

The file relates to the sanctioning of defence, at State cost, of the D.P.I., Madras, and the State of Madras represented by the Collector of South Kanara, Mangalore, defendants in O.S.No.372 of 1954 on the file of the Court of the District Munsif, Udipi. The suit has been filed by Sri U.Haridas Bhat for the alteration of his date of birth in his S.S.L.C. Register, from 8-11-1930 to 9-1-1932. The suit is posted for hearing on 27-11-1954. The D.P.I. has requested that defence of the defendants in the suit may be sanctioned and necessary instructions may be issued to the Govt.Pleader, Udipi, for defending the suit.

The defence of the defendants in the suit may be sanctioned as requested for by the D.P.I., and in accordance with the present view of this Department the pleader doing Govt.work at Udipi may be requested to oppose the suit.

Subject to orders a draft order is placed below for approval. HELA, Home and Finance may see for acceptance.

PAS 23/9/54

SO 22.9.54

22.9.54

HELA/Home/Fin

Laws 13973/54-1 22.9.54

ASSISTANT SECRETARY TO GOVERNMENT
24 SEP 1954
95787
HEALTH, EDUCATION & LOCAL A.L.C.E.

H.E.L.AGENT

The notes of law on pp 1-3 ante may be perused.

The draft order below may be accepted and the file passed on to Home U.O.

27.9.54

127493
27/9.

Home

The notes of law from xx on p 3 ante may be perused. The draft order below may be accepted and the file passed on to finance Dept

H.E.L.AGENT

27-9-54

may be accepted

LAW DEPARTMENT.

Note for circulation.

The proposal in this file is to sanction the defence of the Director of Public Instruction, Madras, and the State of Madras represented by the Collector of South Kanara, Mangalore, defendants in O.S.No.372 of 1954 on the file of the Court of the District Munsiff, Udippi. The suit has been filed by Sri U. Haridas Bhat for the alteration of (this) date of birth in his S.S.L.C. Register from 8-11-1930 to 9-1-1932. The suit is posted for hearing on the 27th November 54 and the D.P.I. has

DEPUTY SECRETARY TO GOVERNMENT
29 SEP 1954
FINANCE DEPARTMENT

ASSISTANT SECRETARY
4 OCT 1954
1691
LAW DEPARTMENT, MADRAS

13973/54

pl ef

requested (orders) ~~to~~ sanction the defence of the defendants in the suit and also to issue necessary instructions to the Pleader doing Government work at Udippi to defend the suit. It is accordingly proposed to sanction the defence of the defendants in the suit and also to request the Pleader doing Government work Udippi to oppose the suit. The proposals and the draft order below have been accepted by H.E.L.A., Home and Finance.

260/9/10/54

pl auth.

For orders whether it may now issue.

AAS 9/10/54

SV 9.10.54.

The draft order may issue
9.10.54

Law CMS 13973/54
M(F+E)

OfcS 9 x 54

Law Box 14e

M(F+E) 9.10.54

[Issued as G.O.Ms No. 260 Law dated 9-10-1954]

Law Dept.

Cm. 19301/54

Sub: Legal Assistance – OS No. 372/54 on the file of the Court of the Dt. Munif Nidjni – Alteration of date of birth in the S.S.L.C. Register of Harijan Bhai (Sri) V. DPI, Madras and the State of Madras represented by the Collector of S. Kanara – Defendants – Defence – Draft Written Statement – Approval of

2 in DE/Dict

Ref: Letter from the Pleader Govt. Prosr. Nidjni, in rid dt. 8 12/54

(1)

Please find the letter from the Pleader Govt. Prosr. at Nidjni at Dict and the enclosure thereto

Dict

On G.O. MS No. 260 Law, dated

Dft 7.10 Dict/(1)

9.10.54 Govt. sanctioned the defence of the DPI and the State of Madras, defendants in OS No. 372/54 on the file of the High Court, Madras, which related to the alteration of date of birth in the S.S.L.C. Regr. of Sri Harijan Bhai and requested the Pleader Govt. Prosr. Nidjni to appear on behalf of the defendants in the suit and to prepare a draft Counter affidavit on the lines indicated in para. 4 of the G.O. The Pleader has accordingly prepared a draft

Dft 3 Dict

written statement with the request that

Dft 1 Dict

after approval it may be got signed by the DPI and returned to him.

Some formal alterations have been indicated in pencil on the draft written statement. After approval it may be forwarded to the DPI for being signed and returned to the Pleader a clean copy of

Copy of Plaint at Pp 3-6 Dict (1)

Pp 3 Dict

2

A draft memo to the DPS is placed below for approval. HELA may see the draft Written statement for remarks if any

PAS 28/12/54

30/12/54

30.12.54

30/12/54

HELA

Law no 1930/54-1

30.12.54

H. E. L. Reg

The draft memo

The notes of law above / and DE drafts memo below may be perused and the file returned to Law U.O.

130405

8 0 DEC 1954

31/12/54

31.12.54

31.12.54

Law

Law Dept.

H. E. L. U.O. no. 130405-54

The notes of this Dept at pages 1-2 above and the subsequent note of HELA may be perused. HELA have no remarks to offer on the draft Written statement at P 3 cf. The draft memo to the DPS may now issue

31 DEC 1954

20392

ASSISTANT SECRETARY

LAW DEPARTMENT, MADRAS

PAS 3/1/55

3.1.55

3.1.55

3-1-55

3.1.55

The draft memo to the DPS for Law issued. The papers may ~~now~~ be ~~given~~ returned to U.O. No 260 Law dt 7.1.55 ~~with the orders sanctioning the expenses in the case~~ ~~have issued~~ after receipt of the report from the DPS called for in the memo dt 6.1.55 PAS 6.1.55 the case will be over till 15.1.55

7.1.55

8.1.55

Please see the Post copy of I.M. dt. 8.1.55 from the DPO. & P 7 cf and a copy of the letter to the DEO, S. Kanara on P 9 cf.

On this Dept. memo dt. 3.1.55 the DPO was requested to sign and forward to the Pleader doing Govt. work at Delhi the draft Written statement enclosed therein and report to Govt. On the I.M dt. 8.1.55 the office of the DPO informed that the DPO is out of station and enquired (over the phone that as the DPO is absent at Delhi out of station) whether any other officer could sign the Written statement. The attention of the office was invited to G.O.P No. 2998, Home dt. 22.9.53 in which certain officers have been authorised to sign and verify plaints or Written statements in any suit by or against the Madras Govt. Accordingly the (office of the) D.E.O; S. Kanara (D.E.O has been authorised to sign Written statements etc.) has been requested to sign the Written statement and file in Court through the Pleader doing Govt. work at Delhi. The DPO has also been informed (the DEO attending and reported him) that in the case is adjourned and if it is necessary for the DPO to sign the Written statement himself it will be done after he returns from Delhi.

In the circumstances no action is necessary in this Dept. the

P 5 cf

P 7 cf

PP 309-312 of Stock file not put up

K on P 310 of Stock file

D on P 9 cf

ibid

4

60

papers may now be added to the q

ar (U)

PAJ
12/4/55

DW
15.7.55

MP
15/5
D

MP
15/1/57

C.No: 7167/55

Law Dept.

Sub:- Legal Assistance - O.S. 372/54 on the file of the Court of the Dh Munsif, Udipi - alleration of date of Birth in the S.S.L.C. Regr. of Haridas Bhat : Result of the suit - Intimation of.

Ref: Letter from the Collector of S. Kanara, Mangalore, No A3. SR.C.B.24/54.

p 1 cf

Please see the letter from the Collector of S. Kanara on p 1 cf.

Govt. sanctioned the defence of the State of Madras represented by the Collector of S. Kanara and the D. P. I. Madras and have been impleaded as Respondents in the suit mentioned above.

pp 9-10 of f (c)

The Collector has now reported that the suit has been dismissed with costs and certified copies of the decree and judgment have been applied for. On the receipt of the certified copies of the decree and judgment may be availed of by 30. 6. 55.

28/5/55

28/5/55

Submitted

US

Please see the G.O. orders above. The Collector of S. Kanara has neither furnished the copies of the judgment and decree nor sent any report regarding the recovery of costs awarded in the suit mentioned

above. He may be asked to state whether the copies of the decree and 2nd decree have been obtained and whether any steps have been taken in the matter.

A draft memo is submitted for approval.

CDN 6.7.55

7/7/55
1.7.55
11/7/55
6.7.55

[Issued as memo No. 7167/55 dated 7.7.55]

[From the Collector of S. Kankesanturai
No: A3. Spl. C.B. 2nd/54 dt]

Please see the report of the Collector of S. Kankesanturai at page 5 of this and this Deputy memo at page 3 ante.

In the circumstances stated by the Collector, S. Kankesanturai, there may be no hitch in the matter.

CDN 21.7.55

20/7/55
19.7.55.
11/7/55

(From the Collector of S. Kankesanturai No. A3 Spl. C.B. 2nd/54 dated 24.7.55)

Please see the letter from the Collector of S. Kankesanturai at page 7 ante and enclosures thereto. (this Deputy memo at page 3 ante) He has forwarded a copy of the decree and the judgment in D.C. Jaffna No: 372/SK on the file of the District Court of Jaffna.

716/1

It is seen from the copy of the judgment and decree that the suit has been dismissed with costs for the Govt. The Collector has reported that he is taking taking steps to recover the costs from the plaintiff who is residing at Pandalam in T. C. State.

In the circumstances stated, the file may be closed with a Cale work entry made against 31-12-55 and the papers may be added to the L.O Ms. 260, Law. dt. 9.10.54 at (c).

1.8.55.

2-8-55

A.O.S.